

title. If there is no surviving spouse, the survivors have priority rights according to the following order:

(over)

1. Children, and the children of deceased children
2. Parents
3. Brothers and sisters, and the children of deceased brothers and sisters
4. Grandparents and the children of deceased grandparents, and grandchildren of deceased grandparents, etc.

A friend of the deceased cannot transfer a title unless that friend has been appointed as personal representative, executor, or administrator of the estate by the probate court.

The documents required to transfer vehicle titles will vary according to circumstances. The priority heir will probably need to sign an affidavit, which is available at your local county assessor motor vehicle office. Contact that office for further instructions.

What information and documents should I have with me when I contact my county assessor's motor vehicle-office to transfer vehicle titles and correct registrations?

It would be helpful if you could provide answers to the following questions:

- How long ago did the deceased pass away?
- Did the deceased leave a will?
- Has the estate been probated, or will it be probated in the future?
- If the estate has been probated, who was appointed as personal representative, executor, or administrator?

If the estate has not and will not be probated, you may also need to know the financial status of the estate in

order to determine how the vehicles may be transferred.

If you contact the county office, you should bring the following documents:

- Certificate of title for each vehicle
- Registration document for each vehicle, if available
- If the estate has been probated, a certified copy of probate court document appointing you as personal representative, executor, administrator, etc.

Where can I find my county assessor's motor vehicle office?

Check your local telephone book for the address and phone number (look under "county offices" if there is a section for this, or under the name of the county), or find it on the Internet at "dmv.idaho.gov" (look for "Vehicle Services" and then "Forms and Misc. Information").

What should I do with the decedent's driver license or identification card?

It is not necessary to return the driver license or identification card to the Idaho DMV because they are automatically notified when a death certificate is recorded with Idaho Vital Statistics.

If the death occurred outside of Idaho, and the deceased holds an Idaho driver license or identification card, you may send a copy of the death certificate to any County Driver License office or to Driver Services, P.O. Box 7129, Boise, ID 83707-1129, so that the record can be noted.

What should I do with the registration if the vehicle is licensed for commercial operation?

If the vehicle is licensed with the State of Idaho and has commercial plates, the registration change



MOTOR VEHICLE GUIDE

FOR SURVIVING SPOUSES AND FAMILY MEMBERS

The Idaho Division of Motor Vehicles is ready to assist you with any motor vehicle document concerns resulting from the loss of a family member.

Help is also available at all
44 county assessor offices.

If my spouse has passed away, what should I do with the title to our vehicle if I plan to keep it?

This depends on whether or not your name appears on the title. If it does appear on the title along with your spouse's name, you should remove your spouse's name from the title. To do this, if your names are connected by an "OR" on the title, simply sign the title on the seller's signature line and enter your name, current address, and signature in the purchaser's section of the title.

Then, take the title to your local county assessor's motor vehicle office, where they will prepare a title application for you to sign and ask you to pay an \$8.00 fee. If your name and your spouse's name are connected by "AND" on the title, contact your local county assessor's motor vehicle office for instructions.

If your name does not appear on the title, you should transfer the title into your name. To do so, contact the same county office for instructions.

What should I do with the registration if I am the surviving spouse and I plan to keep the vehicle?

A vehicle registration should be issued in the same name(s) as the title to that vehicle. Once the title work is completed, any county assessor's motor vehicle office can issue a corrected registration. If there is a problem in getting your name on the title, a 30-day temporary registration can be issued.

Generally, if the deceased person was registered under a special eligibility program, the registration with those license plates is no longer valid because it was authorized under Idaho law only to the qualified person. Plate programs included in this group are **Disability Plates and Placards, Amateur Radio, Disabled Veteran, Former Prisoner of War, Legislative, Congressional Medal of Honor, National Guard, Pearl Harbor Survivor, Military Reservist, and Veteran.**

A 30-day grace period is provided to change registrations on these special eligibility plates. If the surviving spouse or perhaps another family member can meet the requirements for disability plates or a placard, an application form is available at any county assessor's motor vehicle office or through the Special Plates Unit at the Idaho Transportation Department in Boise. The Unit can be contacted at **(208) 334-8649** for any questions or concerns.

If my spouse has passed away, and I want to give away or sell a vehicle, how do I transfer the title to someone else?

If you plan to give away or sell a vehicle, and you are listed on the title along with your spouse with an "OR" separating your names, it is easy to transfer the title. Simply complete the seller's section of the title, sign the title on the seller's signature line, and enter the new owner's name in the purchaser's section. Then, if you are selling the vehicle, give the new owner the title and a bill of sale after you have received payment for the vehicle.

If you are giving the vehicle away to anyone, or are selling it to a parent, child, brother, sister, grandparent, or grandchild, instead of preparing a bill of sale, you and the new owner should complete a **Sales Tax Exemption Certificate - Transfer Affidavit** (form ST-133) so the new owner will not have to pay sales tax. This form is available at your county assessor's motor vehicle office or via the Internet at "tax.idaho.gov" (click the "Forms" button and then the "Sales Tax Exemption Forms" link).

Within five days after you have delivered a vehicle to the new owner, you should also complete a release of liability statement. This will protect you from liability to which you could otherwise be exposed if the new owner is involved in an accident before he has transferred the title into his name. If you do not have this form, you can get one from your county assessor's motor vehicle office or via the Internet at "dmv.idaho.gov" (click the "Vehicle Services" link

and then the "Forms and Misc. Information" link). After you have completed this form, mail it with a \$2.00 check or money order to the address indicated on the form.

If you are listed on the title along with your spouse with "AND" separating your names, or if your name does not appear on the title, contact your county assessor's motor vehicle office for instructions.

When I sell or give away a vehicle, what should I do with the license plates?

Be sure to keep the license plates. They do not stay with the vehicle, as they belong to the estate. The person who is receiving the vehicle can use your bill of sale as a 72-hour permit to operate the vehicle until registering the vehicle and obtaining new plates at the county office.

What if I can't find the title?

If money borrowed to purchase the vehicle is still owed to a lender, they may be holding the title, and you will receive the title when you have paid off the loan. If not, you should apply for a duplicate title. If your name was on the title along with the name of your spouse, and your names were connected by an "OR," you may simply apply for a duplicate title at your county assessor's motor vehicle office. When you do so, you should request that your spouse's name be removed from the title. If your names were connected by an "AND," or if the title was in your spouse's name only, contact the same county office for instructions.

If there is no surviving spouse, who can transfer titles to the estate's vehicle(s), and how is this accomplished?

If the estate was probated, the person appointed by the probate court (personal representative, executor, or administrator) may do so. If the estate was not and will not be probated, the priority heir may transfer the